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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/743,186	12/22/2003	Lee M. Blaymore	LB-2-gw	7285
7590 07/25/2005			EXAMINER	
Michael I. Kroll 171 Stillwell Lane Syosset, NY 11791			PAYNE, SHARON E	
			ART UNIT	PAPER NUMBER
			2875	

DATE MAILED: 07/25/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/743,186

Applicant(s)

BLAYMORE, LEE M.

Examiner

Sharon E. Payne

Art Unit

2875

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on ____.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-12 is/are pending in the application.
- 4a) Of the above claim(s) ____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) ____ is/are allowed.
- 6) ☒ Claim(s) 1-4 is/are rejected.
- 7) ☒ Claim(s) 5-12 is/are objected to.
- 8) ☐ Claim(s) ____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on ____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. ____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date 1203.
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. ____.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: ____.

DETAILED ACTION

Specification

1. Applicant is reminded of the proper language and format for an abstract of the disclosure.

The abstract should be in narrative form and generally limited to a single paragraph on a separate sheet within the range of 50 to 150 words. It is important that the abstract not exceed 150 words in length since the space provided for the abstract on the computer tape used by the printer is limited. The form and legal phraseology often used in patent claims, such as "means" and "said," should be avoided. The abstract should describe the disclosure sufficiently to assist readers in deciding whether there is a need for consulting the full patent text for details. *In this case the abstract is longer than 150 words.*

The language should be clear and concise and should not repeat information given in the title. It should avoid using phrases which can be implied, such as, "The disclosure concerns," "The disclosure defined by this invention," "The disclosure describes," etc.

Claim Objections

2. Claims 1 and 4-12 are objected to because of the following informalities: 1) the word "arm" should be "arms" in line 13 of claim 1; 2) claims 4 and 6 should not depend on themselves; 3) the word "pane" should be "plane" in the second-to-last line of claim 4; and 4) the word "Fresnal" should be "Fresnel" in line 2 of claim 10. For purposes of examination, it is assumed that the Applicant meant for claim 4 to depend on claim 1 and for claim 5 to depend on claim 4. Claims 6-9 and 11-12 are necessarily included due to their dependency. Appropriate correction is required.

Claim Rejections - 35 USC § 103

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

4. Claim 1 is rejected under 35 U.S.C. 103(a) as being unpatentable over Citron et al. (U.S. Patent 6,607,285) in view of Lui (U.S. Publication 2005/0047142 A1).

Regarding claim 1, Citron et al. discloses a light having a housing (reference number 142) having an inside (Fig. 2) and an outside (Fig. 2) and a pair of sides (Fig. 2), a U-bracket (reference number 280) having opposing arms (reference number 281) and a base (Fig. 2, top, horizontal portion attached to leg 281), wherein the opposing arms of the bracket are downwardly disposed (Fig. 2), wherein the sides of the housing are disposed between the arms of the U-bracket (Fig. 2, bottom right light), means for horizontally rotating the light (reference number 228) being disposed on the base of the U-bracket whereby the light is rotated in the horizontal plane (Fig. 2, bottom right, top portion of U-bracket on top of light), a member (reference number 230) being disposed on the means for horizontal rotation to permit the light to be attached to a structure (Fig. 2), means for vertically rotating the lights (reference number 282) being disposed on one of the arms of the U-bracket whereby the light is rotated in the vertical plane (Fig. 2, top). Citron et al. does not disclose means for remotely controlling the horizontal and vertical direction of the lamp.

Lui discloses means for remotely controlling the means for horizontally rotating the light and the means for vertically rotating the light whereby the horizontal and vertical rotation if the light is remotely controlled (abstract).

It would have been obvious to one of ordinary skill in the art at the time the invention was made to use the remote control of Lui in the apparatus of Citron et al. to enable a person to manipulate the light from a distance. See the abstract of Lui.

5. Claims 2 and 4 are rejected under 35 U.S.C. 103(a) as being unpatentable over Citron et al. in view of Lui as applied to claim 1 above, and further in view of Birend (U.S. Patent 5,031,082).

Regarding claim 2, Citron et al. does not disclose a motor, receiver or microprocessor. Lui discloses a first motor (reference number 53) having an output shaft thereon (reference number 541) wherein the shaft is substantially upright standing (Fig. 3) and rotates substantially in the horizontal plane (paragraph 0032), wherein the shaft connects to the base of the U-bracket (Fig. 3) so that the bracket is horizontally rotated as the shaft rotates (Fig. 3, paragraph 0032) and a first receiver for processing a signal to permit the first motor to be controlled (paragraph 0038). Lui does not disclose the location of the receiver or the microprocessor.

Birend discloses a first microprocessor for processing a signal to permit the first motor to be controlled (column 5, line 25).

It would have been obvious to one of ordinary skill in the art at the time the invention was made to use the receiver of Lui and dispose it adjacent to the first motor of Lui in the apparatus of Citron et al. to enable one to manipulate the light from a remote location. (The receiver can work from any location in the path of a signal.) See the abstract of Lui.

It would have been obvious to one of ordinary skill in the art at the time the invention was made to use the microprocessor of Birend and dispose it adjacent to the first motor of Lui in the apparatus of Citron et al. to process a signal from a switch, enabling the apparatus to be operated remotely. See column 5, lines 9-25, and the abstract of Birend. (The microprocessor can work from any location in communication with the other electrical components.)

Concerning claim 4, Citron et al. does not disclose a motor. Lui discloses a second motor (reference number 37) having an output shaft (paragraph 0026), wherein the shaft comprises a worm drive (reference number 36), a gear (reference number 34) being driven by the worm drive (reference number 36), the gear moving in response to the worm drive (paragraph 0026), the gear having a central gear aperture therein (Fig. 3, portion enclosing the axle), the gear having an inside (Fig. 3, portion enclosing the axle) and an outside (Fig. 3, portion by worm gear 36), and means for attaching the gear to the arm of the U-bracket and to the housing of the light (Fig. 1, portion around reference number 35), whereby the light is rotated in the vertical plane by the second motor (paragraph 0026). Lui does not disclose a second receiver or a second microprocessor.

Disposing a second receiver adjacent the second motor for receiving a transmitted signal to permit the second motor to be controlled is considered to be an obvious duplication of parts. Since Lui shows that a receiver is well known in the art, it would have been obvious to one of ordinary skill in the art at the time the invention was made to place a second receiver like the one in Lui near the second motor of Lui to

receive a signal that controls the second motor in the apparatus of Citron et al. to enable one to control the apparatus remotely. See the abstract of Lui and M.P.E.P. 2144.04.

Disposing a second microprocessor adjacent the second motor for processing a signal for the second motor to be controlled is considered to be an obvious duplication of parts. Since Bierend shows that the microprocessor is well known in the art, it would have been obvious to one of ordinary skill in the art at the time the invention was made to put a second microprocessor like the one in Bierend adjacent to the second motor of Lui in the apparatus of Citron et al. to process a binary signal to control the apparatus remotely. See column 5, lines 9-25, of Bierend and M.P.E.P. 2144.04.

It would have been obvious to one of ordinary skill in the art at the time the invention was made to use the motors of Lui in the apparatus Citron et al. to enable one to control the apparatus remotely. See the abstract of Lui.

6. Claim 3 is rejected under 35 U.S.C. 103(a) as being unpatentable over Citron et al. in view of Lui and Bierend as applied to claim 2 above, and further in view of Kleeman (U.S. Patent 4,598,345).

Regarding claim 3, Citron et al., Lui and Bierend do not disclose a C-clamp. Kleeman discloses the member comprising a C-clamp (reference number 20) to permit the light to be attached to a structure (Fig. 1).

It would have been obvious to one of ordinary skill in the art at the time the invention was made to use the C-clamp of Kleeman in the apparatus of Citron et al., Lui

and Bierend to attach the lighting apparatus in a way that it can be easily removed. See Fig. 1 of Kleeman.

Allowable Subject Matter

7. Claims 5-12 would be allowable if rewritten to overcome the objections set forth in this Office action and to include all of the limitations of the base claim and any intervening claims.

The following is a statement of reasons for the indication of allowable subject matter. The prior art fails to disclose a lighting apparatus having a spacer being disposed between the inside of the gear and the outside of the light housing, the spacer having a central horizontal spacer aperture there, the spacer having an additional pair of horizontal pin apertures disposed therein, wherein the pin apertures are disposed between the central spacer aperture and the periphery of the spacer, the spacer having an additional vertical aperture therein, wherein the vertical aperture runs from one peripheral edge of the spacer to a second opposite peripheral edge of the spacer as recited in claim 5.

Conclusion

8. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Sharon E. Payne whose telephone number is (571) 272-2379. The examiner can normally be reached on regular business hours.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Sandra O'Shea can be reached on (571) 272-2378. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

9. Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

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